

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation  
Against:**

**Joseph Efe Imarah, M.D.**

**File No. 800-2014-010487**

**Physician's and Surgeon's  
Certificate No. G 44896**

**Respondent**

**DECISION**

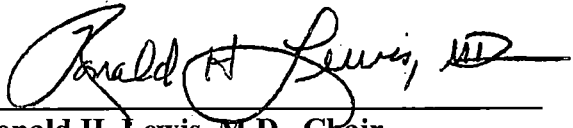
**The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on August 3, 2018.**

**IT IS SO ORDERED July 6, 2018.**

**MEDICAL BOARD OF CALIFORNIA**

**By:**

  
\_\_\_\_\_  
**Ronald H. Lewis, M.D., Chair  
Panel A**

1 XAVIER BECERRA  
Attorney General of California  
2 E. A. JONES III  
Supervising Deputy Attorney General  
3 EDWARD KIM  
Deputy Attorney General  
4 State Bar No. 195729  
California Department of Justice  
5 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
6 Telephone: (213) 269-6000  
Facsimile: (213) 897-9395  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **JOSEPH EFE IMARAH, M.D.**  
14 **37 Shady Lane**  
15 **Irvine, CA 92603**

16 **Physician's and Surgeon's**  
17 **Certificate No. G 44896,**

18 Respondent.

Case No. 800-2014-010487

OAH No. 2017120514

19 **STIPULATED SETTLEMENT AND**  
20 **DISCIPLINARY ORDER**

21 It is hereby stipulated and agreed by and between the parties to the above-entitled  
22 proceedings that the following matters are true:

23 **PARTIES**

24 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
25 of California (Board). She brought this action solely in her official capacity and is represented in  
26 this matter by Xavier Becerra, Attorney General of the State of California, by Edward Kim,  
27 Deputy Attorney General.

28 2. Respondent JOSEPH EFE IMARAH, M.D. (Respondent) is represented in this  
proceeding by attorney Paul Spackman, Esq., whose address is: 28441 Highridge Road, Suite  
201, Rolling Hills Estates, CA 90274-0289

3. On or about June 25, 1981, the Board issued Physician's and Surgeon's Certificate  
No. G 44896 to JOSEPH EFE IMARAH, M.D. (Respondent). The Physician's and Surgeon's

1 Certificate was in full force and effect at all times relevant to the charges brought in Accusation  
2 No. 800-2014-010487, and will expire on March 31, 2019, unless renewed.

3 JURISDICTION

4 4. Accusation No. 800-2014-010487 was filed before the Board, and is currently  
5 pending against Respondent. The Accusation and all other statutorily required documents were  
6 properly served on Respondent on November 14, 2017. Respondent timely filed his Notice of  
7 Defense contesting the Accusation.

8 5. A copy of Accusation No. 800-2014-010487 is attached as Exhibit A and  
9 incorporated herein by reference.

10 ADVISEMENT AND WAIVERS

11 6. Respondent has carefully read, fully discussed with counsel, and understands the  
12 charges and allegations in Accusation No. 800-2014-010487. Respondent has also carefully read,  
13 fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
14 Disciplinary Order.

15 7. Respondent is fully aware of his legal rights in this matter, including the right to a  
16 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
17 the witnesses against him; the right to present evidence and to testify on his own behalf; the right  
18 to the issuance of subpoenas to compel the attendance of witnesses and the production of  
19 documents; the right to reconsideration and court review of an adverse decision; and all other  
20 rights accorded by the California Administrative Procedure Act and other applicable laws.

21 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
22 every right set forth above.

23 CULPABILITY

24 9. Respondent understands and agrees that the charges and allegations in Accusation  
25 No. 800-2014-010487, if proven at a hearing, constitute cause for imposing discipline upon his  
26 Physician's and Surgeon's Certificate.

27 10. For the purpose of resolving the Accusation without the expense and uncertainty of  
28 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual

1 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest  
2 those charges.

3 11. Respondent agrees that his Physician's and Surgeon's Certificate is subject to  
4 discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the  
5 Disciplinary Order below.

6 12. Respondent agrees that if the Board ever takes action pursuant to Condition  
7 Number 3 of the Order below, all of the charges and allegations contained in Accusation No. 800-  
8 2014-010487 shall be deemed true, correct and fully admitted by Respondent for purposes of that  
9 proceeding or any other licensing proceeding involving Respondent in the State of California.

10 CONTINGENCY

11 13. This stipulation shall be subject to approval by the Medical Board of California.  
12 Respondent understands and agrees that counsel for Complainant and the staff of the Medical  
13 Board of California may communicate directly with the Board regarding this stipulation and  
14 settlement, without notice to or participation by Respondent or his counsel. By signing the  
15 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek  
16 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
17 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
18 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
19 action between the parties, and the Board shall not be disqualified from further action by having  
20 considered this matter.

21 14. The parties understand and agree that Portable Document Format (PDF) and facsimile  
22 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
23 signatures thereto, shall have the same force and effect as the originals.

24 15. In consideration of the foregoing admissions and stipulations, the parties agree that  
25 the Board may, without further notice or formal proceeding, issue and enter the following  
26 Disciplinary Order:

27 **DISCIPLINARY ORDER**

28 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 44896 issued

1 to Respondent JOSEPH EFE IMARAH, M.D. is hereby publicly reprimanded pursuant to  
2 Business and Professions Code section 2227. This Public Reprimand is issued in connection with  
3 Respondent's actions as set forth in Accusation No. 800-2014-010487.

4 IT IS FURTHER ORDERED that Respondent comply with the following:

5 1. EDUCATION COURSE. Within 60 calendar days of the effective date of this  
6 Decision, Respondent shall submit to the Board or its designee for its prior approval educational  
7 program(s) or course(s) which shall not be less than 40 hours. The educational program(s) or  
8 course(s) shall be aimed at correcting any areas of deficient practice or knowledge and shall be  
9 Category I certified. The educational program(s) or course(s) shall be at Respondent's expense  
10 and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of  
11 licensure. Following the completion of each course, the Board or its designee may administer an  
12 examination to test Respondent's knowledge of the course. Respondent shall provide proof of  
13 attendance (within the one year period immediately following the effective date of this Decision)  
14 for 40 hours of CME in satisfaction of this condition.

15 2. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of the effective  
16 date of this Decision, Respondent shall enroll in a course in medical record keeping approved in  
17 advance by the Board or its designee. Respondent shall provide the approved course provider  
18 with any information and documents that the approved course provider may deem pertinent.  
19 Respondent shall participate in and successfully complete the classroom component of the course  
20 not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully  
21 complete any other component of the course within one (1) year of enrollment. The medical  
22 record keeping course shall be at Respondent's expense and shall be in addition to the Continuing  
23 Medical Education (CME) requirements for renewal of licensure.

24 A medical record keeping course taken after the acts that gave rise to the charges in the  
25 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
26 or its designee, be accepted towards the fulfillment of this condition if the course would have  
27 been approved by the Board or its designee had the course been taken after the effective date of  
28 this Decision.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the course, or not later than 15 calendar days after the effective date of the Decision, whichever is later.

3. VIOLATION OF THIS AGREEMENT. Failure to comply with any term or condition of this Agreement is unprofessional conduct in violation of Business and Professions Code section 2234. If Respondent violates this agreement in any respect, the Board may file an accusation and, after a hearing, discipline Respondent's license for unprofessional conduct in violation of section 2234.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Paul Spackman, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED:

5/4/18

Joseph Imarah MD  
JOSEPH EFE IMARAH, M.D.  
Respondent

I have read and fully discussed with Respondent JOSEPH EFE IMARAH, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED:

April 4, 2018  
May P.S.

Paul Spackman  
PAUL SPACKMAN, ESQ.  
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated:

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
E. A. JONES III  
Supervising Deputy Attorney General

  
EDWARD K. KIM  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 800-2014-010487**



1 XAVIER BECERRA  
2 Attorney General of California  
3 E. A. JONES III  
4 Supervising Deputy Attorney General  
5 EDWARD KIM  
6 Deputy Attorney General  
7 State Bar No. 195729  
California Department of Justice  
300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
Telephone: (213) 269-6540  
Facsimile: (213) 897-9395  
*Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO November 14 2017  
BY: J. W. [Signature] ANALYST

8 BEFORE THE  
9 MEDICAL BOARD OF CALIFORNIA  
10 DEPARTMENT OF CONSUMER AFFAIRS  
11 STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 800-2014-010487

13 JOSEPH EFE IMARAH, M.D.  
14 37 Shady Lane  
15 Irvine, CA 92603

ACCUSATION

16 Physician's and Surgeon's Certificate  
No. G44896,

Respondent.

17 Complainant alleges:

18 PARTIES

19 1. Kimberly Kirchmeyer ("Complainant") brings this Accusation solely in her official  
20 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
21 Affairs (Board).

22 2. On or about June 25, 1981, the Medical Board issued Physician's and Surgeon's  
23 Certificate Number G44896 to JOSEPH EFE IMARAH, M.D. ("Respondent"). The Physician's  
24 and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
25 herein and will expire on March 31, 2019, unless renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Board, under the authority of the following  
28 laws. All section references are to the Business and Professions Code (Code) unless otherwise

1 indicated.

2 4. Section 2227 of the Code provides that a licensee who is found guilty under the  
3 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed  
4 one year, placed on probation and required to pay the costs of probation monitoring, or such other  
5 action taken in relation to discipline as the Board deems proper.

6 5. Section 2234 of the Code states:

7 "The board shall take action against any licensee who is charged with unprofessional  
8 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not  
9 limited to, the following:

10 "(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the  
11 violation of, or conspiring to violate any provision of this chapter.

12 "(b) Gross negligence.

13 "(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or  
14 omissions. An initial negligent act or omission followed by a separate and distinct departure from  
15 the applicable standard of care shall constitute repeated negligent acts.

16 "(1) An initial negligent diagnosis followed by an act or omission medically appropriate  
17 for that negligent diagnosis of the patient shall constitute a single negligent act.

18 "(2) When the standard of care requires a change in the diagnosis, act, or omission that  
19 constitutes the negligent act described in paragraph (1), including, but not limited to, a  
20 reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the  
21 applicable standard of care, each departure constitutes a separate and distinct breach of the  
22 standard of care.

23 "(d) Incompetence.

24 "(e) The commission of any act involving dishonesty or corruption which is substantially  
25 related to the qualifications, functions, or duties of a physician and surgeon.

26 "(f) Any action or conduct which would have warranted the denial of a certificate.

27 "(g) The practice of medicine from this state into another state or country without meeting  
28 the legal requirements of that state or country for the practice of medicine. Section 2314 shall not

1 apply to this subdivision. This subdivision shall become operative upon the implementation of the  
2 proposed registration program described in Section 2052.5.

3 “(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and  
4 participate in an interview by the board. This subdivision shall only apply to a certificate holder  
5 who is the subject of an investigation by the board.”

## 6 **FACTUAL ALLEGATIONS**

### 7 **Patient E.S.**

8 6. On or about March 24, 2014, patient E.S.,<sup>1</sup> an 84-year-old female, presented to  
9 Respondent at a Kaiser outpatient surgery center. Respondent was scheduled to provide  
10 anesthesia services to E.S. during a procedure to remove breast implants. Her medical history  
11 included cancer, diastolic heart failure, hypertension, chronic obstructive pulmonary disease,  
12 chronic kidney disease, and hypothyroidism. The time of the patient’s admission was  
13 approximately 9:42 a.m. Respondent wrote that the patient’s American Society of  
14 Anesthesiology Classification was “III” as of 10:08 a.m. When Respondent saw E.S., she seemed  
15 alert, and in no distress. However, when she was connected to the monitor during her pre-  
16 operative preparation for surgery, Respondent noted that she had a slow heart rate, described as a  
17 sinus bradycardia. Respondent then ordered a twelve lead electrocardiogram (EKG).

18 7. The records at Kaiser include two copies of EKG tracings dated March 24, 2014. The  
19 first EKG tracing has a time stamp of 10:26:38 (page 4682, “EKG 1”) and includes the following  
20 text, “Sinus rhythm, third degree avb.”<sup>2</sup> The second EKG tracing has a time stamp of 10:27:11  
21 (page 4683, “EKG 2”) and includes the following text, “Sinus rhythm with complete heart block”  
22 and a heart rate of 40 beats per minute.

23 8. Thereafter, based upon the patient’s condition, Respondent decided to cancel the  
24 procedure and send E.S. home. At that time, Respondent also decided not to call for a cardiology  
25 consult. Respondent’s chart note with a time stamp of 10:43 a.m. stated:

26 <sup>1</sup> Patient initials are used based on privacy concerns.

27 <sup>2</sup> Third-degree atrioventricular block (AV block), also known as complete heart block, is a  
28 medical condition in which the impulse generated in the sinoatrial node (SA node) in the atrium  
of the heart does not propagate to the ventricles. This is a serious medical condition that reflects a  
complete dissociation of the atrial and ventricular activity.

1 "Surgery cancelled because of new onset bradycardia with HR down to 38. Repeat EKG in  
2 preop showed brady @40. Since etiology is unknown at this point, pt. was advised to see  
3 PMD and cardiology ASAP for further evaluation preop."

4 The patient was discharged at approximately 10:50 a.m.

5 9. However, within a few hours after arriving home, E.S. became cyanotic. Paramedics  
6 were called, but she expired that afternoon. Her cause of death was listed as cardiac arrest,  
7 diastolic heart failure, and hypertension.

8 10. On or about April 4, 2014, the pre-op tracings, EKG 1 and EKG 2 were reviewed by a  
9 cardiologist at Kaiser. The patient's records dated April 4, 2014, indicate that a voicemail was  
10 left at the patient's phone number, advising her to go to the nearest emergency room as soon as  
11 she receives the message, regarding her EKG results. Another note similarly dated on April 4,  
12 2014 states:

13 "Cardiology Pool: Please contact [E.S.] and notify her that a recent EKG obtained showed  
14 that she had 3rd Degree Heart Block (I was notified by [the cardiologist] reading EKGs  
15 noting 2 EKGs with Sinus Rhythm, 3rd Degree Heart Block with junctional escape). Given  
16 this rhythm, recommend that she go to the Emergency Room for immediate evaluation as  
17 this rhythm may potentially require a permanent pacemaker, and if unaddressed, can lead  
18 her to pass out with risk of death."

19 11. When Respondent was interviewed by an investigator for the Board he stated that he  
20 believed that he was handed an "old printout" from the EKG machine at the time he sent the  
21 patient home. However, Respondent should have adequately and appropriately reviewed and  
22 responded to, the EKG(s).

23 **FIRST CAUSE FOR DISCIPLINE**

24 **(Gross Negligence)**

25 12. Respondent is subject to disciplinary action under Code section 2234, subdivision (b),  
26 in that he committed gross negligence. The circumstances are as follows:

27 13. The allegations in paragraphs 6 through 11, inclusive, above are incorporated herein  
28 by reference as if fully set forth.

1 14. On or about March 24, 2014, Respondent was grossly negligent when he decided to  
2 send patient E.S. home, notwithstanding the concerning EKG reports.

3 15. On or about March 24, 2014, Respondent was grossly negligent when he failed to  
4 adequately review the actual EKG tracings and form his own interpretation instead of relying on  
5 the machine interpretation.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Repeated Negligent Acts)**

8 16. Respondent is subject to disciplinary action under Code section 2234, subdivision (c),  
9 in that Respondent committed repeated negligent acts. The circumstances are as follows:

10 17. The allegations of the First Cause for Discipline are incorporated herein by reference  
11 as if fully set forth.

12 18. Each of the alleged acts of gross negligence set forth above in the First Cause for  
13 Discipline is also a negligent act.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(General Unprofessional Conduct)**

16 19. Respondent is subject to disciplinary action under Code section 2234, in that his  
17 actions and/or omissions represent unprofessional conduct, generally. The circumstances are as  
18 follows:

19 20. The allegations of the First and Second Causes for Discipline are incorporated herein  
20 by reference as if fully set forth.

21 **PRAYER**

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
23 and that following the hearing, the Medical Board of California issue a decision:

24 1. Revoking or suspending Physician's and Surgeon's Certificate Number G44896,  
25 issued to JOSEPH EFE IMARAH, M.D.;

26 2. Revoking, suspending or denying approval of JOSEPH EFE IMARAH, M.D.'s  
27 authority to supervise physician assistants and advanced practice nurses;

28 3. Ordering JOSEPH EFE IMARAH, M.D., if placed on probation, to pay the Board the

1 costs of probation monitoring; and

2 4. Taking such other and further action as deemed necessary and proper.

3  
4 DATED: November 14, 2017

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
Complainant

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